THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO. 10400 OF 2006

DATED: 25.05.2006

BETWEEN:

M.Hari Narayana @ Hari Babu

..PETITIONER

AND

The Govt. of A.P. Rep.by its

Principal Secretary, and others

.. RESPONDENTS

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO. 10400 OF 2006

ORDER:

The petitioner was issued 'C' Form license in respect of Sandhya Theatre 70

mm, Kadapa. The theatre is owned by the third respondent herein. There exists an agreement of sale in favour of the petitioner. The petitioner filed O.S.No.44 of 2002 in the Court of First Additional District Judge, Kadapa for relief of specific performance of agreement of sale and for perpetual injunction. Even during pendency of the suit, several proceedings ensued between the petitioner on one hand and third respondent on the other. The suit was ultimately dismissed on 29.04.2006.

The 3rd respondent appears to have filed a petition before the licensing authority i.e. second respondent, stating that the petitioner does not have any right to run the theatre and prayed for cancellation of the license. Through the order dated 18.05.2006, the second respondent cancelled the license of the petitioner and the same is challenged in this writ petition.

The principal contention urged on behalf of the petitioner is that he was not put on notice before the second respondent cancelled the existing license. The learned Government Pleader for Home appearing for respondents
1 and 2 and Sri P.Venugopal, learned counsel appearing for third respondent submit that the necessity to issue notice to the petitioner did not arise on account of the fact that his possession was dependent upon the pendency of the suit and when once the suit was dismissed, he ceased to hold any right.

It is not in dispute that the petitioner held license to run the theatre referred to above. Even assuming that he suffered any disadvantage in the suit instituted by him, it was obligatory on the part of the second respondent to issue notice to the petitioner before the existing license was cancelled. It hardly needs any emphasis that the effect of cancellation has to be felt by the petitioner and by none else. Therefore, it is fundamental requirement under the principles of natural justice that the affected person has to be put on notice. On this short ground, the writ petition is allowed and the impugned order as well as the consequential proceedings are set aside. The second respondent is directed to issue notice to the petitioner as well as the third respondent and after affording them reasonable opportunity, pass appropriate orders within three weeks from the date of receipt of a copy of this order. No costs

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L.NARASIMHA REDDY,J

Dated: 25-05-2006

Note: CC. in two days

B/o kvrm/bsc